

# Justice System Appropriations Bill House Study Bill 731

Last Action:

Joint Subcommittee

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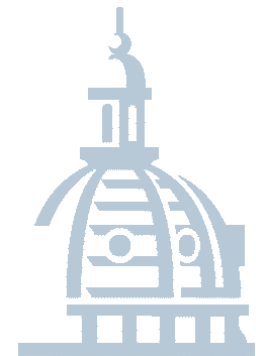
**An Act relating to and making appropriations to the justice system, and including effective date provisions.**

## NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

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# EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

# HOUSE STUDY BILL 731 JUSTICE SYSTEM APPROPRIATIONS BILL

## FUNDING SUMMARY

## MAJOR INCREASES, DECREASES, AND TRANSFERS OF EXISTING PROGRAMS

## STUDIES AND INTENT LANGUAGE

- **GENERAL FUND:** Appropriates a total of \$484.1 million from the General Fund and 1,836.2 FTE positions to the Departments of Justice, Corrections, Inspections and Appeals, Public Defense, and Public Safety, the Iowa Law Enforcement Academy, Board of Parole, and the Civil Rights Commission. This is an increase of \$18.5 million and a decrease of 20.8 FTE positions compared to estimated net FY 2010. The Department of Corrections has 4,078.5 FTE positions in estimated FY 2010 that are not limited in this Bill. These FTE positions are included in the State budget system and are estimated to decrease by 365.9 FTE positions compared to estimated net FY 2010.
- **OTHER FUNDS:** Appropriates \$3.3 million and 27.0 FTE positions from the Department of Commerce Revolving Fund to the Office of the Consumer Advocate. This is an increase of \$197,000 for debt service.
- Makes the following significant General Fund changes for FY 2010:
  - **Department of Justice - Legal Services Poverty Grants:** An increase of \$172,000 for a general increase. (Page 1, Line 33)
  - **Department of Corrections (DOC):** An increase of \$23.2 million to partially restore the FY 2010 across-the-board reduction. (Page 2, Line 34 through Page 10, Line 15)
  - **State Public Defender/Indigent Defense:** A net decrease of \$3.8 million for a general reduction. (Page 12, Line 30 through Page 13, Line 9)
  - **Department of Public Safety (DPS):** A decrease of \$2.0 million, including:
    - An increase of \$182,000 to Public Safety Administration. (Page 15, Line 25)
    - A decrease of \$6.2 million to the Division of Criminal Investigation (DCI). (Page 15, Line 30)
    - An increase of \$759,000 to the Division of Narcotics Enforcement. (Page 17, Line 3)
    - An increase of \$754,000 to the Fire Marshal's Office. (Page 17, Line 16)
    - An increase of \$3.9 million to the Iowa State Patrol. (Page 17, Line 27)
- Allows receipts from billings for gambling regulation by the Racing and Gaming Commission to be appropriated to the DCI rather than depositing the receipts to the General Fund. (Page 19, Line 27 through Page 21, Line 7)
- Requires the DOC to use the John Bennett Facility at Fort Madison as either a prison facility or a Community-Based Corrections (CBC) facility. (Page 3, Line 12)
- Requires the DOC to employ two part-time nurses at the Luster Heights Prison Camp. (Page 3, Line 20)
- Requires the DOC to operate the Luster Heights Prison Camp at its 88-bed capacity. (Page 3, Line 23)
- Requires the DOC to spend at least \$238,000 on the therapeutic treatment community program at the Anamosa State Penitentiary and \$140,000 on the Dual Diagnosis Program in the First CBC District Department. (Page 3, Line 26 and Page 9, Line 17)
- Requires the DOC to use at least \$300,000 in canteen receipts for the Corrections Education Program. (Page 6, Line 22)

## EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

## HOUSE STUDY BILL 731 JUSTICE SYSTEM APPROPRIATIONS BILL

### STUDIES AND INTENT LANGUAGE (CONTINUED)

- Eliminates the Chief Security Officer in the DOC Central Office. (Page 8, Line 28)
- Permits the Iowa Law Enforcement Academy to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 13, Line 25)
- Permits the Iowa Law Enforcement Academy to annually exchange five vehicles returned to the State Fleet Administrator by the DPS. (Page 13, Line 31)
- Permits the Military Division of the Department of Public Defense to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 14, Line 31)
- Permits the Homeland Security and Emergency Management Division to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 15, Line 8)
- Requires the Homeland Security and Emergency Management Division to work in conjunction with the Department of Public Safety on the Fusion Program. (Page 15, Line 14)
- Authorizes no more than \$200,000 from the Wireless E911 Emergency Communications Fund for FY 2011 to be used for administration of the Fund and to employ the State Auditor to perform an annual audit on the Fund. (Page 23, Line 1)
- Requires the DOC and DPS to make every effort to preserve correctional officer and peace officer positions through the reduction of administrative costs. (Page 23, Line 19)
- Permits the Iowa Law Enforcement Academy to charge Academy attendees more than one-half the cost of providing the basic training course, subject to Council approval. This change is repealed on June 30, 2011. (Page 23, Line 12)
- Provides for a waiver process for centralized purchasing for Iowa Prison Industries. (Page 19, Line 10)
- Requires the Department of Justice to retain no more than 10.0% of cash in certain forfeiture proceedings. (Page 21, Line 8)
- Increases the cap on the dollar value of inmate labor from \$50,000 per maintenance project to \$100,000 per maintenance project. (Page 21, Line 33)
- Permits the Chairperson of the Board of Parole to assume the duties of the Executive Director if necessary. (Page 22, Line 5)
- The provision eliminating the Chief of Security position in the DOC is effective on enactment. (Page 23, Line 25)

### SIGNIFICANT CODE CHANGES

### EFFECTIVE DATES

LSB5092H provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
7	12	4.1(b)	Nwthstnd	Sec. 8.33	Nonreversion of Appropriation for Inmate Education Program
11	7	6	Nwthstnd	Sec. 8.39	Reallocation of Appropriations within the DOC and CBC District Departments
18	14	14.8	Nwthstnd	Sec. 8.33	Nonreversion of Volunteer Fire Fighter Training Funds
18	19	14.8	Nwthstnd	Sec. 8.39	Reallocation of Department of Public Safety Appropriations
19	10	16	Amends	Sec. 8A.302(1)	Iowa Prison Industries Waiver Process
19	27	17	Amends	Sec. 99D.14(2)	Direct and Indirect Support Costs for Racetracks
20	6	17	Nwthstnd	Secs. 8.60 and 99D.17	Appropriates Gambling Regulation Receipts to DPS
20	15	18	Amends	Sec. 99F.10(4)	Direct and Indirect Costs for Boats
20	33	18	Nwthstnd	Secs. 8.60 and 99F.4	Appropriates Gambling Regulation Receipts to the DPS
21	8	19	Adds	Sec. 809A.17(6)	Forfeited Property Receipts
21	33	20	Amends	Sec. 904.315(2), Code Supplement 2009	Cap on Use of Inmate Labor
22	5	21	Amends	Sec. 904A.4B	Board of Parole
23	12	24	Nwthstnd	Sec. 80B.11B	Law Enforcement Academy Fees

1 1 Section 1. DEPARTMENT OF JUSTICE.

1 2 1. There is appropriated from the general fund of the state  
1 3 to the department of justice for the fiscal year beginning July  
1 4 1, 2010, and ending June 30, 2011, the following amounts, or  
1 5 so much thereof as is necessary, to be used for the purposes  
1 6 designated:

1 7 a. For the general office of attorney general for salaries,  
1 8 support, maintenance, and miscellaneous purposes, including  
1 9 the prosecuting attorneys training program, victim assistance  
1 10 grants, office of drug control policy prosecuting attorney  
1 11 program, and odometer fraud enforcement, and for not more than  
1 12 the following full-time equivalent positions:  
1 13 ..... \$ 7,732,930  
1 14 ..... FTEs 232.50

1 15 It is the intent of the general assembly that as a condition  
1 16 of receiving the appropriation provided in this lettered  
1 17 paragraph, the department of justice shall maintain a record  
1 18 of the estimated time incurred representing each agency or  
1 19 department.

1 20 b. For victim assistance grants:  
1 21 ..... \$ 3,060,000

1 22 The funds appropriated in this lettered paragraph shall be  
1 23 used to provide grants to care providers providing services to  
1 24 crime victims of domestic abuse or to crime victims of rape and  
1 25 sexual assault.

General Fund appropriation to the Department of Justice for the Office of the Attorney General, Prosecuting Attorney Training Program, Victim Assistance Grants, Office of Drug Control Policy, Office of Drug Control Policy Prosecuting Attorney Training Program, and Odometer Fraud Enforcement.

DETAIL: This is no change compared to estimated net FY 2010.

NOTE: Senate File 2088 (Government Reorganization and Efficiency Bill) provides an appropriation of \$60,000 and 1.00 FTE position to the Office of the Attorney General for enforcement of the False Claims Act.

Specifies that it is the intent of the General Assembly that the Department of Justice maintain a record of the estimated time incurred to represent each agency or department.

General Fund appropriation to the Department of Justice for the Victim Assistance Grants Program.

DETAIL: This is no change compared to estimated net FY 2010.

Requires Victim Assistance funds to be awarded as grants to providers of services for victims of domestic abuse, rape, and sexual assault.

1 26 The balance of the victim compensation fund established in  
 1 27 section 915.94 may be used to provide salary and support of not  
 1 28 more than 22 FTEs and to provide maintenance for the victim  
 1 29 compensation functions of the department of justice.

Permits 22.00 FTE positions to be funded from the Victim Compensation Fund to administer the victim compensation functions of the Department of Justice.

DETAIL: Maintains the current level of FTE positions funded from the Victim Compensation Fund. Of the total FTE positions, 20.00 FTE positions are assigned to the Crime Victim Assistance Division and 2.00 FTE positions are assigned to the Office of the Attorney General, Area Prosecutions Division.

1 30 The department of justice may transfer moneys from the  
 1 31 victim compensation fund established in section 915.94 to the  
 1 32 victim assistance grant program.

Permits the Department of Justice to transfer funds from the Victim Compensation Fund to the Victim Assistance Grants Program in FY 2011.

1 33 c. For legal services for persons in poverty grants as  
 1 34 provided in section 13.34:  
 1 35 ..... \$ 1,930,671

General Fund appropriation to the Department of Justice for the Legal Services Poverty Grants Program.

DETAIL: This is an increase \$171,500 compared to estimated net FY 2010 for a general increase.

2 1 2. a. The department of justice, in submitting budget  
 2 2 estimates for the fiscal year commencing July 1, 2011, pursuant  
 2 3 to section 8.23, shall include a report of funding from sources  
 2 4 other than amounts appropriated directly from the general fund  
 2 5 of the state to the department of justice or to the office of  
 2 6 consumer advocate. These funding sources shall include but  
 2 7 are not limited to reimbursements from other state agencies,  
 2 8 commissions, boards, or similar entities, and reimbursements  
 2 9 from special funds or internal accounts within the department  
 2 10 of justice. The department of justice shall also report actual  
 2 11 reimbursements for the fiscal year commencing July 1, 2009,  
 2 12 and actual and expected reimbursements for the fiscal year  
 2 13 commencing July 1, 2010.

Requires the Department of Justice, in submitting FY 2012 budget estimates, to submit a report to the Department of Management (DOM) that specifies the amount of funding from all sources other than the General Fund. The report is to include actual reimbursements from other fund accounts for FY 2010 and FY 2011.

2 14 b. The department of justice shall include the report

Requires the Department of Justice to submit a report that specifies the amount of funding from all sources other than the General Fund

2 15 required under paragraph "a", as well as information regarding  
 2 16 any revisions occurring as a result of reimbursements actually  
 2 17 received or expected at a later date, in a report to the  
 2 18 co=chairpersons and ranking members of the joint appropriations  
 2 19 subcommittee on the justice system and the legislative services  
 2 20 agency. The department of justice shall submit the report on  
 2 21 or before January 15, 2011.

and any revisions that occur as a result of actual reimbursements.  
 The report is to be submitted to the Chairpersons and Ranking  
 Members of the Justice System Appropriations Subcommittee and the  
 Legislative Services Agency (LSA) by January 15, 2011.

2 22 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated  
 2 23 from the department of commerce revolving fund created in  
 2 24 section 546.12 to the office of consumer advocate of the  
 2 25 department of justice for the fiscal year beginning July 1,  
 2 26 2010, and ending June 30, 2011, the following amount, or so  
 2 27 much thereof as is necessary, to be used for the purposes  
 2 28 designated:  
 2 29 For salaries, support, maintenance, miscellaneous purposes,  
 2 30 and for not more than the following full=time equivalent  
 2 31 positions:  
 2 32 ..... \$ 3,336,344  
 2 33 ..... FTEs 27.00

Department of Commerce Revolving Fund appropriation to the  
 Department of Justice for the Office of the Consumer Advocate.

DETAIL: This is an increase of \$197,456 and no change in FTE  
 positions compared to estimated net FY 2010 for debt retirement for  
 the new Iowa Utilities Board/Office of the Consumer Advocate  
 building.

2 34 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.  
 2 35 1. There is appropriated from the general fund of the state  
 3 1 to the department of corrections for the fiscal year beginning  
 3 2 July 1, 2010, and ending June 30, 2011, the following amounts,  
 3 3 or so much thereof as is necessary, to be used for the purposes  
 3 4 designated:  
 3 5 For the operation of adult correctional institutions,  
 3 6 reimbursement of counties for certain confinement costs, and  
 3 7 federal prison reimbursement, to be allocated as follows:

3 8 a. For the operation of the Fort Madison correctional  
 3 9 facility, including salaries, support, maintenance, and  
 3 10 miscellaneous purposes:  
 3 11 ..... \$ 39,991,374

General Fund appropriation to the Department of Corrections (DOC)  
 for the Fort Madison Correctional Facility.

DETAIL: This is an increase of \$2,988,151 compared to estimated  
 net FY 2010 to partially restore the FY 2010 across-the-board

reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$764,048 for the Fort Madison Correctional Facility.

3 12 As a condition of receiving an appropriation in this  
3 13 lettered paragraph, the department of corrections shall operate  
3 14 the John Bennett facility either as an institution of the  
3 15 department or a community-based correctional facility.

Requires the DOC to operate the John Bennett Facility as either a prison or a Community-Based Corrections (CBC) facility.

DETAIL: The John Bennett Facility is a 152-bed medium security facility attached to the exterior wall of the Iowa State Penitentiary at Fort Madison.

3 16 b. For the operation of the Anamosa correctional facility,  
3 17 including salaries, support, maintenance, and miscellaneous  
3 18 purposes:  
3 19 ..... \$ 30,416,461

General Fund appropriation to the DOC for the Anamosa Correctional Facility.

DETAIL: This is an increase of \$2,143,956 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$543,179 for the Anamosa Correctional Facility.

3 20 As a condition of receiving the appropriation in this  
3 21 lettered paragraph, the department of corrections shall employ  
3 22 two part-time registered nurses at the Luster Heights facility.

States legislative intent that the DOC operate the Luster Heights Prison Camp at full capacity.

DETAIL: The Luster Heights Prison Camp is an 88-bed minimum security facility located in the Yellow River Forest State Park.

3 23 It is the intent of the general assembly that the department  
3 24 of corrections fully operate the Luster Heights facility at the  
3 25 facility's 88-bed capacity.

Directs the DOC to operate the Luster Heights facility at capacity.

3 26 As a condition of the moneys appropriated in this lettered

Requires the DOC to spend at least \$238,252 to maintain a

3 27 paragraph, the department of corrections shall replace expired  
 3 28 federal funding by expending at least \$238,252 for continuation  
 3 29 of a treatment program that prepares offenders for ongoing  
 3 30 therapeutic treatment programs offered by the department and  
 3 31 maintaining at least 4.75 FTEs for the program.

therapeutic treatment program.

3 32 Moneys appropriated in this lettered paragraph shall  
 3 33 provide for one full-time substance abuse counselor for the  
 3 34 Luster Heights facility for the purpose of certification of a  
 3 35 substance abuse program at that facility.

Specifies that funds be provided for one substance abuse counselor at the Luster Heights Prison Camp.

4 1 c. For the operation of the Oakdale correctional facility,  
 4 2 including salaries, support, maintenance, and miscellaneous  
 4 3 purposes:  
 4 4 ..... \$ 55,755,246

General Fund appropriation to the DOC for the Oakdale Correctional Facility.

DETAIL: This is an increase of \$2,973,761 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$2,650,762 for the Oakdale Correctional Facility.

4 5 d. For the operation of the Newton correctional facility,  
 4 6 including salaries, support, maintenance, and miscellaneous  
 4 7 purposes:  
 4 8 ..... \$ 26,452,257

General Fund appropriation to the DOC for the Newton Correctional Facility.

DETAIL: This is an increase of \$1,222,203 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$526,181 for the Newton Correctional Facility.

4 9 e. For the operation of the Mt. Pleasant correctional  
 4 10 facility, including salaries, support, maintenance, and  
 4 11 miscellaneous purposes:

General Fund appropriation to the DOC for the Mount Pleasant Correctional Facility.

DETAIL: This is an increase of \$1,770,693 compared to estimated

4 12 .....	\$ 26,265,257	net FY 2010 to partially restore the FY 2010 across-the-board reduction.
		NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$415,980 for the Mount Pleasant Correctional Facility.
4 13 f. For the operation of the Rockwell City correctional		General Fund appropriation to the DOC for the Rockwell City
4 14 facility, including salaries, support, maintenance, and		Correctional Facility.
4 15 miscellaneous purposes:		
4 16 .....	\$ 9,324,565	DETAIL: This is an increase of \$871,598 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.
		NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$108,833 for the Rockwell City Correctional Facility.
4 17 g. For the operation of the Clarinda correctional facility,		General Fund appropriation to the DOC for the Clarinda Correctional
4 18 including salaries, support, maintenance, and miscellaneous		Facility.
4 19 purposes:		
4 20 .....	\$ 23,645,033	DETAIL: This is an increase of \$2,566,087 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.
		NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$451,752 for the Clarinda Correctional Facility.
4 21 Moneys received by the department of corrections as		Appropriates reimbursements from the Clarinda Youth Academy to
4 22 reimbursement for services provided to the Clarinda youth		the DOC for operating costs associated with the Clarinda Correctional
4 23 corporation are appropriated to the department and shall be		Facility.
4 24 used for the purpose of operating the Clarinda correctional		
4 25 facility.		DETAIL: The Clarinda Youth Academy's annual reimbursement to the Clarinda Correctional Facility is approximately \$1,000,000.
4 26 h. For the operation of the Mitchellville correctional		General Fund appropriation to the DOC for the Mitchellville

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**Explanation**

4 27 facility, including salaries, support, maintenance, and  
 4 28 miscellaneous purposes:  
 4 29 ..... \$ 15,486,586

Correctional Facility.

DETAIL: This is an increase of \$1,233,471 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$169,416 for the Mitchellville Correctional Facility.

4 30 i. For the operation of the Fort Dodge correctional  
 4 31 facility, including salaries, support, maintenance, and  
 4 32 miscellaneous purposes:  
 4 33 ..... \$ 29,020,235

General Fund appropriation to the DOC for the Fort Dodge Correctional Facility.

DETAIL: This is an increase of \$2,021,103 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$200,000 for the Fort Dodge Correctional Facility.

4 34 j. For reimbursement of counties for temporary confinement  
 4 35 of work release and parole violators, as provided in sections  
 5 1 901.7, 904.908, and 906.17, and for offenders confined pursuant  
 5 2 to section 904.513:  
 5 3 ..... \$ 775,092

General Fund appropriation to the DOC for the County Confinement Account to pay for holding alleged parole and work release violators until their revocation hearings.

DETAIL: This is no change compared to estimated net FY 2010.

5 4 k. For federal prison reimbursement, reimbursements for  
 5 5 out-of-state placements, and miscellaneous contracts:  
 5 6 ..... \$ 239,411

General Fund appropriation to the DOC to reimburse the federal Bureau of Prisons for confining Iowa inmates and to pay miscellaneous contracts.

DETAIL: This is an increase of \$23,941 compared to estimated net FY 2010 to restore the FY 2010 across-the-board reduction.

5 7 2. The department of corrections shall use moneys  
 5 8 appropriated in subsection 1 to continue to contract for the

Requires the DOC to contract with a Muslim imam to provide religious services and religious counseling.

5 9 services of a Muslim imam.

DETAIL: This contract is required pursuant to a federal court order.

5 10 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

5 11 1. There is appropriated from the general fund of the state  
5 12 to the department of corrections for the fiscal year beginning  
5 13 July 1, 2010, and ending June 30, 2011, the following amounts,  
5 14 or so much thereof as is necessary, to be used for the purposes  
5 15 designated:

5 16 a. For general administration, including salaries, support,  
5 17 maintenance, employment of an education director to administer  
5 18 a centralized education program for the correctional system,  
5 19 and miscellaneous purposes:  
5 20 ..... \$ 4,254,068

General Fund appropriation to the DOC for the Central Office.

DETAIL: This is a decrease of \$74,975 compared to estimated net FY 2010 appropriation for a general reduction.

5 21 (1) It is the intent of the general assembly that as a  
5 22 condition of receiving the appropriation provided in this  
5 23 lettered paragraph the department of corrections shall not,  
5 24 except as otherwise provided in subparagraph (3), enter  
5 25 into a new contract, unless the contract is a renewal of an  
5 26 existing contract, for the expenditure of moneys in excess of  
5 27 \$100,000 during the fiscal year beginning July 1, 2010, for the  
5 28 privatization of services performed by the department using  
5 29 state employees as of July 1, 2010, or for the privatization  
5 30 of new services by the department without prior consultation  
5 31 with any applicable state employee organization affected  
5 32 by the proposed new contract and prior notification of the  
5 33 co=chairpersons and ranking members of the joint appropriations  
5 34 subcommittee on the justice system.

Specifies it is the intent of the General Assembly that, as a condition of receiving appropriated funds, the DOC not enter into a new contract in excess of \$100,000 for privatized services during FY 2011 without prior notification of the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and without prior consultation with any affected employee organization. Existing contracts may be renewed without notification.

5 35 (2) It is the intent of the general assembly that each  
6 1 lease negotiated by the department of corrections with a

Specifies that it is the intent of the General Assembly that the DOC prohibit the use of inmate labor for partisan political activities within

6 2 private corporation for the purpose of providing private  
 6 3 industry employment of inmates in a correctional institution  
 6 4 shall prohibit the private corporation from utilizing inmate  
 6 5 labor for partisan political purposes for any person seeking  
 6 6 election to public office in this state and that a violation  
 6 7 of this requirement shall result in a termination of the lease  
 6 8 agreement.

Iowa when contracting for inmate workers to be employed by a private business. Violation of these contract terms will result in termination of the contract.

6 9 (3) It is the intent of the general assembly that as a  
 6 10 condition of receiving the appropriation provided in this  
 6 11 lettered paragraph the department of corrections shall not  
 6 12 enter into a lease or contractual agreement pursuant to section  
 6 13 904.809 with a private corporation for the use of building  
 6 14 space for the purpose of providing inmate employment without  
 6 15 providing that the terms of the lease or contract establish  
 6 16 safeguards to restrict, to the greatest extent feasible, access  
 6 17 by inmates working for the private corporation to personal  
 6 18 identifying information of citizens.

Specifies that it is the intent of the General Assembly that, as a condition of receiving appropriated funds, the DOC, when contracting with a private business for inmate employment, must restrict inmates' access to citizens' personal identifying information.

6 19 b. For educational programs for inmates at state penal  
 6 20 institutions:  
 6 21 ..... \$ 1,558,109

General Fund appropriation to the DOC for the educational programs for inmates.

DETAIL: This is an increase of \$194,402 compared to estimated net FY 2010 to restore the FY 2010 across-the-board reduction.

6 22 As a condition of receiving the appropriation in this  
 6 23 lettered paragraph, the department of corrections shall  
 6 24 transfer at least \$300,000 from the canteen operating funds  
 6 25 established pursuant to section 904.310 to be used for  
 6 26 correctional educational programs funded in this lettered  
 6 27 paragraph.

Requires the DOC to transfer at least \$300,000 from Canteen Funds to the Corrections Education Program.

6 28 It is the intent of the general assembly that moneys  
 6 29 appropriated in this lettered paragraph shall be used solely  
 6 30 for the purpose indicated and that the moneys shall not be

Specifies that it is the intent of the General Assembly that these funds be used only for inmate education. Also, requires the DOC to consult with community colleges located within the area of the prisons

6 31 transferred for any other purpose. In addition, it is the  
 6 32 intent of the general assembly that the department shall  
 6 33 consult with the community colleges in the areas in which the  
 6 34 institutions are located to utilize moneys appropriated in this  
 6 35 lettered paragraph to fund the high school completion, high  
 7 1 school equivalency diploma, adult literacy, and adult basic  
 7 2 education programs in a manner so as to maintain these programs  
 7 3 at the institutions.  
 7 4 To maximize the funding for educational programs, the  
 7 5 department shall establish guidelines and procedures to  
 7 6 prioritize the availability of educational and vocational  
 7 7 training for inmates based upon the goal of facilitating an  
 7 8 inmate's successful release from the correctional institution.  
 7 9 The director of the department of corrections may transfer  
 7 10 moneys from Iowa prison industries for use in educational  
 7 11 programs for inmates.

regarding how to maintain the high school completion, high school  
 equivalency diploma, adult literacy, and adult basic education  
 programs at the Institutions. Requires the DOC to establish  
 guidelines and procedures to prioritize admission to educational and  
 vocational programs to facilitate inmates' successful release from  
 prison. Permits the DOC to transfer funds from the Iowa Prison  
 Industries Revolving Fund for educational programs for inmates.

7 12 Notwithstanding section 8.33, moneys appropriated in this  
 7 13 lettered paragraph that remain unobligated or unexpended at  
 7 14 the close of the fiscal year shall not revert but shall remain  
 7 15 available for expenditure only for the purpose designated in  
 7 16 this lettered paragraph until the close of the succeeding  
 7 17 fiscal year.

CODE: Requires nonreversion of funds for the Inmate Education  
 Program.

7 18 c. For the development of the Iowa corrections offender  
 7 19 network (ICON) data system:  
 7 20 ..... \$ 424,364

General Fund appropriation to the DOC for the Iowa Corrections  
 Offender Network (ICON).

DETAIL: This is an increase of \$42,436 compared to estimated net  
 FY 2010 to restore the FY 2010 across-the-board reduction.

7 21 d. For offender mental health and substance abuse  
 7 22 treatment:  
 7 23 ..... \$ 22,319

General Fund appropriation to the DOC for mental health and  
 substance abuse treatment.

DETAIL: This is no change compared to estimated net FY 2010.

7 24 e. For viral hepatitis prevention and treatment:

General Fund appropriation to the DOC for viral hepatitis prevention

7 25 ..... \$ 167,881

and treatment.

DETAIL: This is no change compared to estimated net FY 2010.

7 26 2. It is the intent of the general assembly that the  
 7 27 department of corrections shall continue to operate the  
 7 28 correctional farms under the control of the department at  
 7 29 the same or greater level of participation and involvement  
 7 30 as existed as of January 1, 2011; shall not enter into any  
 7 31 rental agreement or contract concerning any farmland under  
 7 32 the control of the department that is not subject to a rental  
 7 33 agreement or contract as of January 1, 2010, without prior  
 7 34 legislative approval; and shall further attempt to provide  
 7 35 job opportunities at the farms for inmates. The department  
 8 1 shall attempt to provide job opportunities at the farms for  
 8 2 inmates by encouraging labor-intensive farming or gardening  
 8 3 where appropriate; using inmates to grow produce and meat for  
 8 4 institutional consumption; researching the possibility of  
 8 5 instituting food canning and cook-and-chill operations; and  
 8 6 exploring opportunities for organic farming and gardening,  
 8 7 livestock ventures, horticulture, and specialized crops.

Specifies that it is the intent of the General Assembly that the DOC continue farm operations at the same or greater level as exists on January 1, 2011. The DOC is prohibited from renting farmland under the control of the DOC that is not currently being rented without legislative approval. The DOC is to provide meaningful job opportunities for inmates employed on the farms.

8 8 3. The department of corrections shall provide a smoking  
 8 9 cessation program to offenders committed to the custody of the  
 8 10 director or who are otherwise detained by the department, that  
 8 11 complies with legislation enacted restricting or prohibiting  
 8 12 smoking on the grounds of correctional institutions.

Requires the DOC to provide a smoking cessation program to offenders.

8 13 4. As a condition of receiving the appropriations made  
 8 14 in this section, the department of corrections shall develop  
 8 15 and implement offender reentry programs in Black Hawk and  
 8 16 Polk counties to provide transitional planning and release  
 8 17 primarily for offenders released from the Iowa correctional  
 8 18 institution for women at Mitchellville and the Fort Dodge  
 8 19 correctional facility. Programming shall include minority

Requires the Department of Corrections to develop and implement re-entry programs in Waterloo and Des Moines. Specifies programming requirements. This Bill includes appropriations to the First and Fifth CBC District Departments for re-entry programs.

8 20 and gender-specific responsivity, employment, substance  
8 21 abuse treatment, mental health services, housing, and family  
8 22 reintegration. The department of corrections shall collaborate  
8 23 with the first and fifth judicial district departments of  
8 24 correctional services, the Iowa department of workforce  
8 25 development, the department of human services, community-based  
8 26 providers and faith-based organizations, and local law  
8 27 enforcement.

8 28 5. The chief security officer position within the  
8 29 department of corrections shall be eliminated by the effective  
8 30 date of this subsection.

Eliminates the Chief of Security position in the DOC Central Office.

DETAIL: This provision is effective on enactment of this Bill.

8 31 6. The department shall place inmates at the Luster Heights  
8 32 facility who have been approved by the board of parole for  
8 33 work release but who have been waiting for a bed to become  
8 34 available at a community-based correctional facility, unless  
8 35 the placement would dislodge an inmate receiving substance  
9 1 abuse treatment.

Requires the DOC to place offenders at the Luster Heights facility that have been approved by the Board of Parole for work release, that are on a waiting list for a CBC bed, as long as the placement does not prevent another offender from receiving substance abuse treatment.

9 2 7. The department of corrections shall seek volunteer  
9 3 medical personnel to serve at correctional facilities  
9 4 throughout the state under the direction of the department.

Requires the DOC to seek volunteer medical staff to serve at correctional facilities.

9 5 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
9 6 SERVICES.

9 7 1. There is appropriated from the general fund of the state  
9 8 to the department of corrections for the fiscal year beginning  
9 9 July 1, 2010, and ending June 30, 2011, for the treatment and  
9 10 supervision of probation and parole violators who have been  
9 11 released from the department of corrections violator program,  
9 12 the following amounts, or so much thereof as is necessary, to  
9 13 be allocated as follows:

9 14 a. For the first judicial district department of  
9 15 correctional services:  
9 16 ..... \$ 12,453,082

General Fund appropriation to the DOC for the First CBC District Department.

DETAIL: This is an increase of \$534,392 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$110,275 for the First CBC District Department.

9 17 As a condition of the moneys appropriated in this lettered  
9 18 paragraph, the department of corrections shall replace expired  
9 19 federal funding by expending at least \$140,000 for the dual  
9 20 diagnosis program and maintaining 1.25 FTEs for the program.

Requires the First CBC District Department to spend at least \$140,000 to maintain the Dual Diagnosis Program.

9 21 b. For the second judicial district department of  
9 22 correctional services:  
9 23 ..... \$ 10,770,616

General Fund appropriation to the DOC for the Second CBC District Department.

DETAIL: This is an increase of \$783,971 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$308,214 for the Second CBC District Department.

9 24 c. For the third judicial district department of  
9 25 correctional services:  
9 26 ..... \$ 5,715,578

General Fund appropriation to the DOC for the Third CBC District Department.

DETAIL: This is an increase of \$369,936 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$18,010 for the Third CBC District Department.

9 27 d. For the fourth judicial district department of

General Fund appropriation to the DOC for the Fourth CBC District

9 28 correctional services: 9 29 ..... \$ 5,522,416	Department.  DETAIL: This is an increase of \$342,916 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.  NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$76,117 for the Fourth CBC District Department.
9 30 e. For the fifth judicial district department of 9 31 correctional services, including funding for electronic 9 32 monitoring devices for use on a statewide basis: 9 33 ..... \$ 18,938,081	General Fund appropriation to the DOC for the Fifth CBC District Department.  DETAIL: This is an increase of \$1,587,659 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.  NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$790,020 for the Fifth CBC District Department.
9 34 As a condition of receiving the appropriation in this 9 35 lettered paragraph, the fifth judicial district department of 10 1 correctional services shall reinstate 67 beds in buildings 65 10 2 and 66 at the Fort Des Moines facility and resume operating the 10 3 buildings, in addition to maintaining the 199 beds in buildings 10 4 68 and 70 at the Fort Des Moines facility. The district 10 5 department may use inmate labor to upgrade and renovate the 10 6 buildings, if renovation and updating are required.	Requires the Fifth CBC District Department to reinstate and use 67 beds at Building 65/66 at the Fort Des Moines Residential Facility and maintain the use of 199 beds at Building 68/70. Permits the use of inmate labor to renovate the buildings, if renovation is required.  DETAIL: The Fifth CBC District Department has restructured its Fort Des Moines operations. There are 199 beds at Building 68/70 for residential and work release programs. Eighty of these beds are dedicated for substance abuse treatment. Building 65/66 has an honors unit of 40 beds plus a substance abuse treatment contract for 60 beds with a private provider.
10 7 f. For the sixth judicial district department of 10 8 correctional services: 10 9 ..... \$ 13,030,356	General Fund appropriation to the DOC for the Sixth CBC District Department.  DETAIL: This is an increase of \$622,039 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$302,810 for the Sixth CBC District Department.

10 10 g. For the seventh judicial district department of  
10 11 correctional services:  
10 12 ..... \$ 6,846,560

General Fund appropriation to the DOC for the Seventh CBC District Department.

DETAIL: This is an increase of \$409,565 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$24,923 for the Seventh CBC District Department.

10 13 h. For the eighth judicial district department of  
10 14 correctional services:  
10 15 ..... \$ 6,935,622

General Fund appropriation to the DOC for the Eighth CBC District Department.

DETAIL: This is an increase of \$543,795 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$400,850 for the Eighth CBC District Department.

10 16 2. Each judicial district department of correctional  
10 17 services, within the funding available, shall continue programs  
10 18 and plans established within that district to provide for  
10 19 intensive supervision, sex offender treatment, diversion of  
10 20 low-risk offenders to the least restrictive sanction available,  
10 21 job development, and expanded use of intermediate criminal  
10 22 sanctions.

Requires each CBC District Department, within available funding, to continue programs and plans established within the District Department for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate sanctions.

10 23 3. Each judicial district department of correctional

Requires each CBC District Department to provide alternatives to prison consistent with statute. Permits the District Departments to

10 24 services shall provide alternatives to prison consistent with  
 10 25 chapter 901B. The alternatives to prison shall ensure public  
 10 26 safety while providing maximum rehabilitation to the offender.  
 10 27 A judicial district department of correctional services may  
 10 28 also establish a day program.

establish day programs.

10 29 4. The governor's office of drug control policy shall  
 10 30 consider federal grants made to the department of corrections  
 10 31 for the benefit of each of the eight judicial district  
 10 32 departments of correctional services as local government  
 10 33 grants, as defined pursuant to federal regulations.

Requires the Governor's Office of Drug Control Policy to consider federal grants made to the DOC for the benefit of the CBC District Departments as local government grants rather than State government grants as defined by federal regulations.

10 34 5. The department of corrections shall continue to contract  
 10 35 with a judicial district department of correctional services to  
 11 1 provide for the rental of electronic monitoring equipment which  
 11 2 shall be available statewide.

Requires the DOC to contract with a CBC District Department for the rental of electronic monitoring equipment.

DETAIL: The DOC contracts with the Fifth CBC District Department for electronic monitoring devices that are available statewide.

11 3 6. A judicial district department of correctional services  
 11 4 shall accept into the facilities of the district department,  
 11 5 offenders assigned from other judicial district departments of  
 11 6 correctional services.

Requires the CBC District Departments to accept the transfer of offenders into residential facilities between CBC District Departments.

11 7 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF  
 11 8 APPROPRIATIONS. Notwithstanding section 8.39, within  
 11 9 the moneys appropriated in this Act to the department of  
 11 10 corrections, the department may reallocate the moneys  
 11 11 appropriated and allocated as necessary to best fulfill the  
 11 12 needs of the correctional institutions, administration of  
 11 13 the department, and the judicial district departments of  
 11 14 correctional services. However, in addition to complying with  
 11 15 the requirements of sections 904.116 and 905.8 and providing  
 11 16 notice to the legislative services agency, the department  
 11 17 of corrections shall also provide notice to the department  
 11 18 of management, prior to the effective date of the revision

CODE: Permits the DOC to reallocate appropriations between the correctional institutions, the Central Office, and CBC District Departments. Requires the DOC to provide notice to the DOM and the LSA before reallocating the funds. Prohibits the reallocation of funds to eliminate a program.

11 19 or reallocation of an appropriation made pursuant to this  
11 20 section. The department shall not reallocate an appropriation  
11 21 or allocation for the purpose of eliminating any program.

11 22 Sec. 7. INTENT == REPORTS.

11 23 1. The department in cooperation with townships, the Iowa  
11 24 cemetery associations, and other nonprofit or governmental  
11 25 entities may use inmate labor during the fiscal year beginning  
11 26 July 1, 2010, to restore or preserve rural cemeteries and  
11 27 historical landmarks. The department in cooperation with the  
11 28 counties may also use inmate labor to clean up roads, major  
11 29 water sources, and other water sources around the state.

Permits the DOC to work with nonprofit and governmental entities to use inmate labor to restore or preserve rural cemeteries or historical landmarks and to clean up roads and water resources.

11 30 2. Each month the department shall provide a status report  
11 31 regarding private=sector employment to the legislative services  
11 32 agency beginning on July 1, 2010. The report shall include  
11 33 the number of offenders employed in the private sector, the  
11 34 combined number of hours worked by the offenders, and the  
11 35 total amount of allowances, and the distribution of allowances  
12 1 pursuant to section 904.702, including any moneys deposited in  
12 2 the general fund of the state.

Requires the DOC to provide a monthly status report to the LSA regarding private sector employment of inmates.

12 3 Sec. 8. ELECTRONIC MONITORING REPORT. The department of  
12 4 corrections shall submit a report on electronic monitoring to  
12 5 the general assembly, to the co=chairpersons and the ranking  
12 6 members of the joint appropriations subcommittee on the justice  
12 7 system, and to the legislative services agency by January  
12 8 15, 2011. The report shall specifically address the number  
12 9 of persons being electronically monitored and break down the  
12 10 number of persons being electronically monitored by offense  
12 11 committed. The report shall also include a comparison of any  
12 12 data from the prior fiscal year with the current year.

Requires the DOC to submit a report regarding electronic monitoring to the General Assembly, the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and the LSA by January 15, 2011. Specifies the content of the report.

12 13 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

Encourages State agencies to buy products from Iowa Prison

12 14 1. As used in this section, unless the context otherwise  
 12 15 requires, "state agency" means the government of the state  
 12 16 of Iowa, including but not limited to all executive branch  
 12 17 departments, agencies, boards, bureaus, and commissions, the  
 12 18 judicial branch, the general assembly and all legislative  
 12 19 agencies, institutions within the purview of the state board of  
 12 20 regents, and any corporation whose primary function is to act  
 12 21 as an instrumentality of the state.

12 22 2. State agencies are hereby encouraged to purchase  
 12 23 products from Iowa state industries, as defined in section  
 12 24 904.802, when purchases are required and the products are  
 12 25 available from Iowa state industries. State agencies shall  
 12 26 obtain bids from Iowa state industries for purchases of  
 12 27 office furniture during the fiscal year beginning July 1,  
 12 28 2010, exceeding \$5,000 or in accordance with applicable  
 12 29 administrative rules related to purchases for the agency.

Industries whenever possible. Requires State agencies to obtain a bid from Iowa Prison Industries for purchases of office furniture exceeding \$5,000, or in accordance with administrative rules.

12 30 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from  
 12 31 the general fund of the state to the office of the state public  
 12 32 defender of the department of inspections and appeals for the  
 12 33 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
 12 34 the following amounts, or so much thereof as is necessary, to  
 12 35 be allocated as follows for the purposes designated:

13 1 1. For salaries, support, maintenance, miscellaneous  
 13 2 purposes, and for not more than the following full-time  
 13 3 equivalent positions:  
 13 4 ..... \$ 21,743,182  
 13 5 ..... FTEs 203.00

General Fund appropriation to the Department of Inspections and Appeals for the Office of the State Public Defender.

DETAIL: This is an increase of \$2,174,318 and no change in FTE positions compared to the estimated net FY 2010 appropriation for a general increase.

NOTE: Senate File 2088 (Government Reorganization and Efficiency Bill) provides an appropriation of \$1,140,000 and 16.00 FTE positions to expand local public defender offices.

13 6 2. For the fees of court-appointed attorneys for indigent

General Fund appropriation to the Department of Inspections and

13 7 adults and juveniles, in accordance with section 232.141 and  
 13 8 chapter 815:  
 13 9 ..... \$ 15,680,929

Appeals for the Indigent Defense Program.

DETAIL: This is a decrease of \$5,927,318 compared to the estimated net FY 2010 appropriation for a general reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$10,900,000 for the Indigent Defense Program.

13 10 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.  
 13 11 1. There is appropriated from the general fund of the  
 13 12 state to the Iowa law enforcement academy for the fiscal year  
 13 13 beginning July 1, 2010, and ending June 30, 2011, the following  
 13 14 amount, or so much thereof as is necessary, to be used for the  
 13 15 purposes designated:  
 13 16 For salaries, support, maintenance, miscellaneous purposes,  
 13 17 including jailer training and technical assistance, and for not  
 13 18 more than the following full-time equivalent positions:  
 13 19 ..... \$ 1,049,430  
 13 20 ..... FTEs 30.55

General Fund appropriation to the Iowa Law Enforcement Academy (ILEA).

DETAIL: This is no change to the General Fund appropriation and an increase of 1.00 FTE position compared to estimated net FY 2010. The increase in FTE position is due to the receipt of federal grant dollars.

13 21 It is the intent of the general assembly that the Iowa law  
 13 22 enforcement academy may provide training of state and local  
 13 23 law enforcement personnel concerning the recognition of and  
 13 24 response to persons with Alzheimer's disease.

Specifies the intent of the General Assembly that the ILEA may offer training for law enforcement officers in recognizing and responding to persons with Alzheimer's disease.

13 25 The Iowa law enforcement academy may temporarily exceed and  
 13 26 draw more than the amount appropriated and incur a negative  
 13 27 cash balance as long as there are receivables equal to or  
 13 28 greater than the negative balance and the amount appropriated  
 13 29 in this subsection is not exceeded at the close of the fiscal  
 13 30 year.

Permits the ILEA to incur a negative General Fund balance as long as there are equal receivables coming into the Academy by the close of the fiscal year.

DETAIL: This language is to assist with cash flow issues the ILEA faces in the last quarter of the fiscal year.

13 31 2. The Iowa law enforcement academy may select at least

Permits the ILEA to annually exchange at least five vehicles returned to the State Fleet Administrator by the Department of Public Safety for

13 32 five automobiles of the department of public safety, division  
 13 33 of state patrol, prior to turning over the automobiles to  
 13 34 the department of administrative services to be disposed  
 13 35 of by public auction, and the Iowa law enforcement academy  
 14 1 may exchange any automobile owned by the academy for each  
 14 2 automobile selected if the selected automobile is used in  
 14 3 training law enforcement officers at the academy. However, any  
 14 4 automobile exchanged by the academy shall be substituted for  
 14 5 the selected vehicle of the department of public safety and  
 14 6 sold by public auction with the receipts being deposited in the  
 14 7 depreciation fund to the credit of the department of public  
 14 8 safety, division of state patrol.

any of the Academy's training vehicles. The vehicles received from the ILEA are to be sold at public auction, with the receipts to be deposited in the Depreciation Fund used to purchase new vehicles for the Department of Public Safety (DPS).

14 9 Sec. 12. BOARD OF PAROLE. There is appropriated from the  
 14 10 general fund of the state to the board of parole for the fiscal  
 14 11 year beginning July 1, 2010, and ending June 30, 2011, the  
 14 12 following amount, or so much thereof as is necessary, to be  
 14 13 used for the purposes designated:  
 14 14 For salaries, support, maintenance, miscellaneous purposes,  
 14 15 and for not more than the following full-time equivalent  
 14 16 positions:  
 14 17 ..... \$ 1,045,259  
 14 18 ..... FTEs 13.50

General Fund appropriation to the Board of Parole.

DETAIL: This is a no change in funding and a decrease of 5.00 FTE positions compared to estimated net FY 2010 for a general reduction in positions.

14 19 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is  
 14 20 appropriated from the general fund of the state to the  
 14 21 department of public defense for the fiscal year beginning July  
 14 22 1, 2010, and ending June 30, 2011, the following amounts, or  
 14 23 so much thereof as is necessary, to be used for the purposes  
 14 24 designated:

14 25 1. MILITARY DIVISION  
 14 26 For salaries, support, maintenance, miscellaneous purposes,  
 14 27 and for not more than the following full-time equivalent  
 14 28 positions:  
 14 29 ..... \$ 6,249,201

General Fund appropriation to the Military Division of the Department of Public Defense.

DETAIL: This is an increase of \$624,920 and 10.70 FTE positions compared to estimated net FY 2010.

14 30 ..... FTEs 324.00

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustment Bill) includes \$526,202 to partially restore the 10.00% across-the-board reduction.

14 31 The military division may temporarily exceed and draw more  
14 32 than the amount appropriated and incur a negative cash balance  
14 33 as long as there are receivables of federal funds equal to or  
14 34 greater than the negative balance and the amount appropriated  
14 35 in this subsection is not exceeded at the close of the fiscal  
15 1 year.

Permits the Military Division to incur a negative cash balance as long as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Military Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits the Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedures to use the new System.

15 2 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION  
15 3 For salaries, support, maintenance, miscellaneous purposes,  
15 4 and for not more than the following full-time equivalent  
15 5 positions:  
15 6 ..... \$ 2,038,119  
15 7 ..... FTEs 33.00

General Fund appropriation to the Homeland Security and Emergency Management Division.

DETAIL: This is an increase of \$203,812 and a decrease of 0.10 FTE position compared to estimated net FY 2010.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustment Bill) includes \$61,614 to partially restore the 10.00% across-the-board reduction.

15 8 The homeland security and emergency management division may  
15 9 temporarily exceed and draw more than the amount appropriated  
15 10 and incur a negative cash balance as long as there are  
15 11 receivables of federal funds equal to or greater than the  
15 12 negative balance and the amount appropriated in this subsection  
15 13 is not exceeded at the close of the fiscal year.

Permits the Homeland Security and Emergency Management Division to incur a negative cash balance as long as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Homeland Security and Emergency Management Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits the

Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedures to use the new System.

15 14 It is the intent of the general assembly that the homeland  
15 15 security and emergency management division work in conjunction  
15 16 with the department of public safety, to the extent possible,  
15 17 when gathering and analyzing information related to potential  
15 18 domestic or foreign security threats, and when monitoring such  
15 19 threats.

Specifies the intent of the General Assembly that the Homeland Security and Emergency Management Division work in conjunction with the DPS when gathering and analyzing information related to potential domestic and foreign security threats.

15 20 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated  
15 21 from the general fund of the state to the department of public  
15 22 safety for the fiscal year beginning July 1, 2010, and ending  
15 23 June 30, 2011, the following amounts, or so much thereof as is  
15 24 necessary, to be used for the purposes designated:

15 25 1. For the department's administrative functions, including  
15 26 the criminal justice information system, and for not more than  
15 27 the following full=time equivalent positions:  
15 28 ..... \$ 4,134,461  
15 29 ..... FTEs 36.00

General Fund appropriation to the DPS for the Administrative Services Division.

DETAIL: This is an increase of \$182,390 and a decrease of 3.00 FTE positions compared to estimated net FY 2010.

15 30 2. For the division of criminal investigation, including  
15 31 the state's contribution to the peace officers' retirement,  
15 32 accident, and disability system provided in chapter 97A in the  
15 33 amount of the state's normal contribution rate, as defined in  
15 34 section 97A.8, multiplied by the salaries for which the funds  
15 35 are appropriated, to meet federal fund matching requirements,  
16 1 and for not more than the following full=time equivalent  
16 2 positions:

General Fund appropriation to the DPS for the Division of Criminal Investigation (DCI).

DETAIL: This is a decrease of \$6,151,033 and 10.40 FTE positions compared to estimated net FY 2010. This is a decrease of \$8,851,775 to reflect gambling regulation receipts and an increase of \$2,700,742 for a general increase to the Crime Lab, the Records and Identification Bureau, and the Homicide Bureau.

16 3 ..... \$ 12,861,710

16 4 ..... FTEs 277.10

16 5 If any of the Indian tribes fail to pay for 1.00 FTE pursuant  
16 6 to the agreements or compacts entered into between the state  
16 7 and the Indian tribes pursuant to section 10A.104, subsection  
16 8 10, the number of full-time equivalent positions authorized  
16 9 under this subsection is reduced by 1.00 FTE.

Specifies that if funding for the 1.00 FTE position for a DCI Special Agent to perform Tribal Gaming Inspections is not funded from the Tribal-State Compact, this FTE position will no longer be authorized.

16 10 The department shall employ one additional special agent and  
16 11 one additional criminalist for the purpose of investigating  
16 12 cold cases. Prior to employing the additional special agent  
16 13 and criminalist authorized in this paragraph, the department  
16 14 shall provide a written statement to prospective employees that  
16 15 states to the effect that the positions are being funded by a  
16 16 temporary federal grant and there are no assurances that funds  
16 17 from other sources will be available after the federal funding  
16 18 expires. If the federal funding for the additional positions  
16 19 expires during the fiscal year, the number of full-time  
16 20 equivalent positions authorized in this subsection is reduced  
16 21 by 2.00 FTEs.

Specifies that the DPS will employ one Special Agent and one Criminalist to investigate cold cases. However, if federal funds are not received for the 2.00 FTE positions for the Cold Case Unit, the positions are eliminated.

16 22 The department of public safety, with the approval of the  
16 23 department of management, may employ no more than two special  
16 24 agents and four gaming enforcement officers for each additional  
16 25 riverboat or gambling structure regulated after July 1, 2010,  
16 26 and one special agent for each racing facility which becomes  
16 27 operational during the fiscal year which begins July 1, 2010.  
16 28 One additional gaming enforcement officer, up to a total of  
16 29 four per riverboat or gambling structure, may be employed  
16 30 for each riverboat or gambling structure that has extended  
16 31 operations to 24 hours and has not previously operated with a  
16 32 24-hour schedule. Positions authorized in this paragraph are  
16 33 in addition to the full-time equivalent positions otherwise  
16 34 authorized in this subsection.

Permits the DPS to employ a maximum of two special agents and four gaming officers if approved by the DOM for new riverboats licensed after July 1, 2010, and for riverboats that have extended operations to 24 hours. Also permits the employment of one special agent for each racing facility that becomes operational during FY 2011.

16 35	3. For the criminalistics laboratory fund created in	General Fund appropriation for the Criminalistics Laboratory Fund.
17 1	section 691.9:	
17 2	..... \$ 302,345	DETAIL: This is no change compared to estimated net FY 2010.
17 3	4. a. For the division of narcotics enforcement, including	General Fund appropriation to the DPS for the Division of Narcotics
17 4	the state's contribution to the peace officers' retirement,	Enforcement (DNE).
17 5	accident, and disability system provided in chapter 97A in the	
17 6	amount of the state's normal contribution rate, as defined in	DETAIL: This is an increase of \$759,401 and a decrease of 6.00 FTE
17 7	section 97A.8, multiplied by the salaries for which the funds	positions compared to estimated net FY 2010.
17 8	are appropriated, to meet federal fund matching requirements,	
17 9	and for not more than the following full-time equivalent	
17 10	positions:	
17 11	..... \$ 6,507,048	
17 12	..... FTEs 75.00	
17 13	b. For the division of narcotics enforcement for undercover	General Fund appropriation to the DPS for DNE undercover
17 14	purchases:	purchases.
17 15	..... \$ 109,042	DETAIL: This is no change compared to estimated net FY 2010.
17 16	5. For the division of state fire marshal, for fire	General Fund appropriation to the DPS for the State Fire Marshal's
17 17	protection services as provided through the state fire service	Office.
17 18	and emergency response council as created in the department,	
17 19	and for the state's contribution to the peace officers'	DETAIL: This is an increase of \$753,893 and a decrease of 2.00 FTE
17 20	retirement, accident, and disability system provided in chapter	positions compared to estimated net FY 2010.
17 21	97A in the amount of the state's normal contribution rate, as	
17 22	defined in section 97A.8, multiplied by the salaries for which	
17 23	the funds are appropriated, and for not more than the following	
17 24	full-time equivalent positions:	
17 25	..... \$ 4,343,896	
17 26	..... FTEs 57.00	
17 27	6. For the division of state patrol, for salaries, support,	General Fund appropriation to the Iowa State Patrol.
17 28	maintenance, workers' compensation costs, and miscellaneous	DETAIL: This is an increase of \$3,922,862 and a decrease of 33.00

17 29 purposes, including the state's contribution to the peace  
 17 30 officers' retirement, accident, and disability system provided  
 17 31 in chapter 97A in the amount of the state's normal contribution  
 17 32 rate, as defined in section 97A.8, multiplied by the salaries  
 17 33 for which the funds are appropriated, and for not more than the  
 17 34 following full-time equivalent positions:  
 17 35 ..... \$ 48,984,147  
 18 1 ..... FTEs 503.00

FTE positions compared to estimated net FY 2010.

18 2 It is the intent of the general assembly that members of the  
 18 3 state patrol be assigned to patrol the highways and roads in  
 18 4 lieu of assignments for inspecting school buses for the school  
 18 5 districts.

Specifies the intent of the General Assembly that the Iowa State Patrol assign education officers to perform school bus inspections rather than having road troopers perform these inspections.

18 6 7. For deposit in the sick leave benefits fund established  
 18 7 under section 80.42 for all departmental employees eligible to  
 18 8 receive benefits for accrued sick leave under the collective  
 18 9 bargaining agreement:  
 18 10 ..... \$ 279,517

General Fund appropriation to create a non-reversionary fund in the DPS to be used for sick leave payout. All sworn officers of the Department are eligible to receive benefits for accrued sick leave under the collective bargaining agreement.

DETAIL: This is no change compared to estimated net FY 2010.

18 11 8. For costs associated with the training and equipment  
 18 12 needs of volunteer fire fighters:  
 18 13 ..... \$ 612,255

General Fund appropriation to the DPS for Volunteer Fire Fighter Training.

DETAIL: This is no change compared to estimated net FY 2010.

18 14 Notwithstanding section 8.33, moneys appropriated in this  
 18 15 subsection that remain unencumbered or unobligated at the  
 18 16 close of the fiscal year shall not revert but shall remain  
 18 17 available for expenditure only for the purpose designated in  
 18 18 this subsection until the close of the succeeding fiscal year.

CODE: Requires nonreversion of funds for fire fighter training and equipment needs.

18 19 Notwithstanding section 8.39, within the moneys appropriated  
 18 20 in this section the department of public safety may reallocate  
 18 21 moneys as necessary to best fulfill the needs provided for

CODE: Permits funds appropriated to the DPS to be allocated as necessary to fulfill appropriation needs within the Department. The Department is not allowed to reallocate an appropriation unless notice

18 22 in the appropriation. However, the department shall not  
 18 23 reallocate an appropriation made to the department in this  
 18 24 section unless notice of the reallocation is given to the  
 18 25 legislative services agency and the department of management  
 18 26 prior to the effective date of the reallocation. The notice  
 18 27 shall include information about the rationale for reallocating  
 18 28 the appropriation. The department shall not reallocate  
 18 29 an appropriation made in this section for the purpose of  
 18 30 eliminating any program.

is given to the LSA and the DOM prior to the effective date of the  
 reallocation. The Department is not allowed to reallocate the  
 appropriation for the purpose of eliminating a program.

18 31 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated  
 18 32 from the general fund of the state to the Iowa state civil  
 18 33 rights commission for the fiscal year beginning July 1,  
 18 34 2010, and ending June 30, 2011, the following amount, or so  
 18 35 much thereof as is necessary, to be used for the purposes  
 19 1 designated:  
 19 2 For salaries, support, maintenance, miscellaneous purposes,  
 19 3 and for not more than the following full-time equivalent  
 19 4 positions:  
 19 5 ..... \$ 1,379,861  
 19 6 ..... FTEs 29.50

General Fund appropriation to the Iowa Civil Rights Commission.  
 DETAIL: This is no change compared to estimated net FY 2010.

19 7 The Iowa state civil rights commission may enter into  
 19 8 a contract with a nonprofit organization to provide legal  
 19 9 assistance to resolve civil rights complaints.

Permits the Iowa Civil Rights Commission to enter into a contract with  
 a non-profit organization for legal assistance.

19 10 Sec. 16. Section 8A.302, subsection 1, Code 2009, is amended  
 19 11 to read as follows:  
 19 12 1. Providing a system of uniform standards and  
 19 13 specifications for purchasing. When the system is developed,  
 19 14 all items of general use shall be purchased by state  
 19 15 agencies through the department, except items used by  
 19 16 the state ~~department of transportation~~, board of regents  
 19 17 and institutions under the control of the state board of  
 19 18 regents; However, the department may authorize the department  
 19 19 of transportation, the department for the blind, and any other

CODE: Provides a waiver process for Iowa Prison Industries  
 products, if the Department of Administrative Services determines the  
 waiver is in the best interests of the State.

19 20 agencies otherwise exempted by law from centralized purchasing,  
19 21 to directly purchase items provided for under section 904.808  
19 22 or used by those agencies without going through the department,  
19 23 if the department of administrative services determines such  
19 24 purchasing is in the best interests of the state . However,  
19 25 items of general use may be purchased through the department by  
19 26 any governmental entity.

19 27 Sec. 17. Section 99D.14, subsection 2, Code 2009, is amended  
19 28 to read as follows:

19 29 2. a. A licensee shall pay a regulatory fee to be charged  
19 30 as provided in this section. In determining the regulatory fee  
19 31 to be charged as provided under this section, the commission  
19 32 shall use the amount appropriated to the commission plus the  
19 33 cost of salaries for no more than two special agents for each  
19 34 racetrack that has not been issued a table games license under  
19 35 chapter 99F or no more than three special agents for each  
20 1 racetrack that has been issued a table games license under  
20 2 chapter 99F, plus any direct and indirect support costs for the  
20 3 agents, for the division of criminal investigation's racetrack  
20 4 activities, as the basis for determining the amount of revenue  
20 5 to be raised from the regulatory fee.

CODE: Requires a licensee to pay a regulatory fee charged by the  
Racing and Gaming Commission for direct and indirect support costs  
for the DCI agents.

20 6 b. Notwithstanding sections 8.60 and 99D.17, the portion of  
20 7 the fee paid pursuant to paragraph "a" relating to the costs  
20 8 of special agents plus any direct and indirect support costs  
20 9 for the agents, for the division of criminal investigation's  
20 10 racetrack activities, shall not be deposited in the general  
20 11 fund of the state but instead are appropriated to supplement  
20 12 appropriations made to the department of public safety to  
20 13 be used for such activities by the division of criminal  
20 14 investigation.

CODE: Allows gambling regulation receipts to be appropriated  
directly to the DCI rather than being deposited in the General Fund.

20 15 Sec. 18. Section 99F.10, subsection 4, Code 2009, is amended  
20 16 to read as follows:

20 17 4. a. In determining the license fees and state regulatory

CODE: Requires a licensee to pay a regulatory fee charged by the  
Racing and Gaming Commission for direct and indirect support costs  
for the DCI agents.

20 18 fees to be charged as provided under section 99F.4 and this  
20 19 section, the commission shall use as the basis for determining  
20 20 the amount of revenue to be raised from the license fees and  
20 21 regulatory fees the amount appropriated to the commission  
20 22 plus the cost of salaries for no more than two special agents  
20 23 for each excursion gambling boat or gambling structure and no  
20 24 more than four gaming enforcement officers for each excursion  
20 25 gambling boat or gambling structure with a patron capacity of  
20 26 less than two thousand persons or no more than five gaming  
20 27 enforcement officers for each excursion gambling boat or  
20 28 gambling structure with a patron capacity of at least two  
20 29 thousand persons, plus any direct and indirect support costs  
20 30 for the agents and officers, for the division of criminal  
20 31 investigation's excursion gambling boat or gambling structure  
20 32 activities.

20 33 b. Notwithstanding sections 8.60 and 99F.4, the portion of  
20 34 the fee paid pursuant to paragraph "a" relating to the costs  
20 35 of special agents and officers plus any direct and indirect  
21 1 support costs for the agents and officers, for the division of  
21 2 criminal investigation's excursion gambling boat or gambling  
21 3 structure activities, shall not be deposited in the general  
21 4 fund of the state but instead are appropriated to supplement  
21 5 appropriations made to the department of public safety to  
21 6 be used for such activities by the division of criminal  
21 7 investigation.

CODE: Allows gambling regulation receipts to be appropriated directly to the DCI rather than being deposited in the General Fund.

21 8 Sec. 19. Section 809A.17, Code 2009, is amended by adding  
21 9 the following new subsection:  
21 10 NEW SUBSECTION . 6. If the forfeited property is cash or  
21 11 proceeds from the sale of real property the distribution of the  
21 12 forfeited property shall be as follows:  
21 13 a. The department of justice shall not retain more than  
21 14 ten percent of the gross sale of any forfeited real property.  
21 15 The balance of the proceeds shall be distributed to the  
21 16 seizing agency for use by the agency or for division among

CODE: Requires the Department of Justice to retain 10.00% of cash or proceeds from the sale of forfeited property, and 90.00% to be distributed to the seizing agencies.

21 17 law enforcement agencies and county attorneys pursuant to any  
21 18 agreement entered into by the seizing agency.  
21 19 b. The department of justice shall not retain more than  
21 20 ten percent of any forfeited cash. The balance shall be  
21 21 distributed to the seizing agency for use by the agency or for  
21 22 division among law enforcement agencies and county attorneys  
21 23 pursuant to any agreement entered into by the seizing agency.  
21 24 c. In the event of a cash forfeiture in excess of four  
21 25 hundred thousand dollars the distribution of forfeited cash  
21 26 shall be as follows:  
21 27 (1) Forty=five percent shall be retained by the seizing  
21 28 agency.  
21 29 (2) Forty=five percent shall be distributed to other law  
21 30 enforcement agencies within the region of the seizing agency.  
21 31 (3) Ten percent shall be retained by the department of  
21 32 justice.

21 33 Sec. 20. Section 904.315, subsection 2, Code Supplement  
21 34 2009, is amended to read as follows:  
21 35 2. A contract is not required for improvements at a state  
22 1 institution where the labor of inmates is to be used if the  
22 2 contract is not for a construction, reconstruction, demolition,  
22 3 or repair project or improvement with an estimated cost in  
22 4 excess of ~~forty~~ one hundred thousand dollars.

CODE: Increases the dollar value cap on the use of inmate labor from \$50,000 per project to \$100,000 per maintenance project.

22 5 Sec. 21. Section 904A.4B, Code 2009, is amended to read as  
22 6 follows:  
22 7 904A.4B Executive director of the board of parole == duties.  
22 8 1. The chief administrative officer of the board of  
22 9 parole shall be the executive director , except as provided in  
22 10 subsection 2 . The executive director shall be appointed by the  
22 11 chairperson, subject to the approval of the board and shall  
22 12 serve at the pleasure of the board. The executive director  
22 13 shall do all of the following:  
22 14 4- a. Advise the board on matters relating to parole,  
22 15 work release, and executive clemency, and advise the board on

CODE: Permits the Chairperson of the Board of Parole to serve as Acting Executive Director if necessary.

22 16 matters involving automation and word processing.  
 22 17 ~~2- b.~~ Carry out all directives of the board.  
 22 18 ~~3- c.~~ Hire and supervise all of the board's staff pursuant  
 22 19 to the provisions of chapter 8A, subchapter IV.  
 22 20 ~~4- d.~~ Act as the board's liaison with the general assembly.  
 22 21 ~~5- e.~~ Prepare a budget for the board, subject to the  
 22 22 approval of the board, and prepare all other reports required  
 22 23 by law.  
 22 24 ~~6- f.~~ Develop long-range parole and work release planning,  
 22 25 in cooperation with the department of corrections.  
 22 26 2. If an executive director is not appointed as provided in  
 22 27 subsection 1, the chairperson shall serve as acting executive  
 22 28 director and perform the administrative duties under subsection  
 22 29 1.

22 30 Sec. 22. IOWA COMMUNICATIONS NETWORK. It is the  
 22 31 intent of the general assembly that the executive branch  
 22 32 agencies receiving an appropriation in this Act utilize  
 22 33 the Iowa communications network or secure other electronic  
 22 34 communications in lieu of traveling for the fiscal year  
 22 35 addressed by the appropriations.

Encourages State agencies that receive an appropriation in this Bill to utilize the Iowa Communications Network in lieu of travel.

23 1 Sec. 23. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
 23 2 DIVISION. There is appropriated from the wireless E911  
 23 3 emergency communications fund created in section 34A.7A to the  
 23 4 administrator of the homeland security and emergency management  
 23 5 division of the department of public defense for the fiscal  
 23 6 year beginning July 1, 2010, and ending June 30, 2011, an  
 23 7 amount not exceeding \$200,000 to be used for implementation,  
 23 8 support, and maintenance of the functions of the administrator  
 23 9 and program manager under chapter 34A and to employ the auditor  
 23 10 of the state to perform an annual audit of the wireless E911  
 23 11 emergency communications fund.

Permits continued funding from the Wireless E911 Emergency Communications Fund for the E911 Program Manager in the Homeland Security and Emergency Management Division of the Department of Public Defense through FY 2011.

DETAIL: The Division receives up to \$200,000 and 2.00 FTE positions for the administration of the wireless E911 service and to employ the State Auditor to perform an annual audit on the Fund.

23 12 Sec. 24. IOWA LAW ENFORCEMENT ACADEMY == FEES.  
 23 13 Notwithstanding section 80B.11B, the Iowa law enforcement

CODE: Permits the ILEA to charge Academy attendees more than one-half the cost to provide training if approved by the Law

23 14 academy may charge more than one-half the cost of providing the  
23 15 basic training course if a majority of the Iowa law enforcement  
23 16 academy council authorizes charging more than one-half of the  
23 17 cost of providing basic training. This section is repealed on  
23 18 June 30, 2011.

Enforcement Academy Council. This Section is repealed June 30, 2011.

DETAIL: The total cost to attend the Basic Academy in FY 2010 is \$6,900. Tuition for FY 2011 was set at the February 4, 2010, ILEA Board Meeting and will be \$4,600 and represents 67.0% of the cost to attend.

23 19 Sec. 25. CORRECTIONAL OFFICER AND PEACE OFFICER ==  
23 20 PRIORITY. As a condition of receiving an appropriation in  
23 21 this Act, the department of corrections and the department of  
23 22 public safety shall make every effort to preserve correctional  
23 23 officer and peace officer positions through the reduction of  
23 24 administrative and related overhead costs.

Requires the DOC and the DPS to preserve correctional and peace officer positions by reducing administrative costs.

23 25 Sec. 26. EFFECTIVE UPON ENACTMENT. The provision of this  
23 26 Act eliminating the chief security officer position within  
23 27 the department of corrections, being deemed of immediate  
23 28 importance, takes effect upon enactment.

The provision eliminating the Chief of Security position in the Central Office of the DOC is effective on enactment.

#### 23 29 EXPLANATION

23 30 This bill makes appropriations from the general fund of the  
23 31 state for fiscal year 2010=2011 to the departments of justice,  
23 32 corrections, public defense, and public safety, and the Iowa  
23 33 law enforcement academy, office of the state public defender,  
23 34 board of parole, and Iowa state civil rights commission.

23 35 The bill also appropriates moneys from the department of  
24 1 commerce revolving fund created in Code section 546.12 to the  
24 2 office of consumer advocate of the department of justice.

24 3 The bill requires the department of corrections to employ  
24 4 two part-time nurses at the Luster Heights correctional  
24 5 facility.

24 6 The bill requires the department of corrections to place  
24 7 inmates at the Luster Heights facility who have been approved  
24 8 by the board of parole for work release but who have been

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24 9 waiting for a bed to become available at a community-based  
24 10 correctional facility, unless the placement dislodges an inmate  
24 11 receiving substance abuse treatment.  
24 12 The bill requires the department of corrections to seek  
24 13 volunteer medical personnel to serve at correctional facilities  
24 14 throughout the state.  
24 15 Code section 8A.302 is amended to provide that the state  
24 16 department of transportation, the department of blind, and any  
24 17 other state agency other than the state board of regents, must  
24 18 receive authorization from the department of administrative  
24 19 services prior to making purchases of products provided for by  
24 20 Iowa state industries under Code section 904.808.  
24 21 Code sections 99D.14 and 99F.10 are amended to provide that  
24 22 the portion of the regulatory fees collected for the regulatory  
24 23 activities of special agents and gambling enforcement officers  
24 24 of the department of public safety, division of criminal  
24 25 investigation and associated costs, are appropriated to the  
24 26 department of public safety to be used for such activities  
24 27 instead of being credited to the general fund.  
24 28 Code section 809A.17 is amended to provide that the  
24 29 department of justice shall not retain more than 10 percent  
24 30 of any cash forfeiture made by a law enforcement agency or 10  
24 31 percent of the gross proceeds from the sale of any forfeited  
24 32 real property. The bill requires the balance of any cash  
24 33 forfeiture or the proceeds from the sale of forfeited real  
24 34 property be distributed to the seizing agency for use by the  
24 35 agency or for division among law enforcement agencies and  
25 1 county attorneys pursuant to any agreement entered into by the  
25 2 seizing agency. In the event of a cash forfeiture in excess  
25 3 of \$400,000, the distribution shall be as follows: 45 percent  
25 4 shall be retained by the seizing agency; 45 percent shall be  
25 5 distributed to other law enforcement agencies within the region  
25 6 of the seizing agency; and 10 percent shall be retained by the  
25 7 department of justice.  
25 8 Code section 904.315 is amended to provide that a contract  
25 9 is not required for improvements at a state institution where  
25 10 the labor of inmates is used and the estimated cost of the  
25 11 improvements does not exceed \$100,000. Currently, the contract

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25 12 requirement threshold is \$50,000.

25 13 The bill amends Code section 904A.4B to provide that the

25 14 chairperson may act as executive director of the board of

25 15 parole, if the board does not appoint such a director. The

25 16 duties of the executive director are specified in Code section

25 17 904A.4B.

25 18 The bill eliminates the chief security officer position

25 19 within the department of corrections effective upon enactment.

25 20 LSB 5092JB (1) -83

25 21 jm/jp

## Summary Data

### General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Justice System	\$ 532,710,567	\$ 465,588,015	\$ 489,464,972	\$ 484,054,572	\$ 18,466,557	
<b>Grand Total</b>	<u><u>\$ 532,710,567</u></u>	<u><u>\$ 465,588,015</u></u>	<u><u>\$ 489,464,972</u></u>	<u><u>\$ 484,054,572</u></u>	<u><u>\$ 18,466,557</u></u>	

# Justice System

## General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<b><u>Justice, Department of</u></b>						
<b>Justice, Dept. of</b>						
General Office A.G.	\$ 9,359,691	\$ 7,732,930	\$ 7,732,930	\$ 7,732,930	\$ 0	PG 1 LN 7
Victim Assistance Grants	147,750	3,060,000	3,060,000	3,060,000	0	PG 1 LN 20
Legal Services Poverty Grants	1,970,000	1,759,171	1,759,171	1,930,671	171,500	PG 1 LN 33
<b>Total Justice, Department of</b>	<b>\$ 11,477,441</b>	<b>\$ 12,552,101</b>	<b>\$ 12,552,101</b>	<b>\$ 12,723,601</b>	<b>\$ 171,500</b>	
<b><u>Civil Rights Commission</u></b>						
<b>Civil Rights Commission</b>						
Civil Rights Commission	\$ 1,545,232	\$ 1,379,861	\$ 1,379,861	\$ 1,379,861	\$ 0	PG 18 LN 31
<b>Total Civil Rights Commission</b>	<b>\$ 1,545,232</b>	<b>\$ 1,379,861</b>	<b>\$ 1,379,861</b>	<b>\$ 1,379,861</b>	<b>\$ 0</b>	
<b><u>Corrections, Dept. of</u></b>						
<b>CBC District 1</b>						
CBC District I	\$ 13,300,371	\$ 11,918,690	\$ 12,453,082	\$ 12,453,082	\$ 534,392	PG 9 LN 14
<b>CBC District 2</b>						
CBC District II	\$ 11,053,717	\$ 9,986,645	\$ 10,770,616	\$ 10,770,616	\$ 783,971	PG 9 LN 21
<b>CBC District 3</b>						
CBC District III	\$ 6,104,702	\$ 5,345,642	\$ 5,715,578	\$ 5,715,578	\$ 369,936	PG 9 LN 24
<b>CBC District 4</b>						
CBC District IV	\$ 5,603,983	\$ 5,179,500	\$ 5,522,416	\$ 5,522,416	\$ 342,916	PG 9 LN 27
<b>CBC District 5</b>						
CBC District V	\$ 19,232,705	\$ 17,350,422	\$ 18,938,081	\$ 18,938,081	\$ 1,587,659	PG 9 LN 30
<b>CBC District 6</b>						
CBC District VI	\$ 14,273,011	\$ 12,408,317	\$ 13,030,356	\$ 13,030,356	\$ 622,039	PG 10 LN 7
<b>CBC District 7</b>						
CBC District VII	\$ 7,265,034	\$ 6,436,995	\$ 6,846,560	\$ 6,846,560	\$ 409,565	PG 10 LN 10
<b>CBC District 8</b>						
CBC District VIII	\$ 7,109,164	\$ 6,391,827	\$ 6,935,622	\$ 6,935,622	\$ 543,795	PG 10 LN 13

# Justice System

## General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<b>Central Office</b>						
County Confinement	\$ 967,983	\$ 775,092	\$ 775,092	\$ 775,092	\$ 0	PG 4 LN 34
Federal Prisoners/ Contractual	241,293	215,470	239,411	239,411	23,941	PG 5 LN 4
Corrections Administration	5,047,861	4,329,043	4,491,968	4,254,068	-74,975	PG 5 LN 16
Corrections Education	1,570,358	1,363,707	1,558,109	1,558,109	194,402	PG 6 LN 19
Iowa Corrections Offender Network	427,700	381,928	424,364	424,364	42,436	PG 7 LN 18
Mental Health/Substance Abuse	24,994	22,319	22,319	22,319	0	PG 7 LN 21
Hepatitis Treatment and Education	188,000	167,881	167,881	167,881	0	PG 7 LN 24
<b>Total Central Office</b>	<b>\$ 8,468,189</b>	<b>\$ 7,255,440</b>	<b>\$ 7,679,144</b>	<b>\$ 7,441,244</b>	<b>\$ 185,804</b>	
<b>Fort Madison</b>						
Ft. Madison Institution	\$ 44,737,908	\$ 37,003,223	\$ 41,442,374	\$ 39,991,374	\$ 2,988,151	PG 3 LN 8
<b>Anamosa</b>						
Anamosa Institution	\$ 31,548,089	\$ 28,272,505	\$ 30,356,461	\$ 30,416,461	\$ 2,143,956	PG 3 LN 16
<b>Oakdale</b>						
Oakdale Institution	\$ 59,219,891	\$ 52,781,485	\$ 55,955,246	\$ 55,755,246	\$ 2,973,761	PG 4 LN 1
<b>Newton</b>						
Newton Institution	\$ 28,372,772	\$ 25,230,054	\$ 26,452,257	\$ 26,452,257	\$ 1,222,203	PG 4 LN 5
<b>Mt Pleasant</b>						
Mt. Pleasant Inst.	\$ 27,430,137	\$ 24,494,564	\$ 26,265,257	\$ 26,265,257	\$ 1,770,693	PG 4 LN 9
<b>Rockwell City</b>						
Rockwell City Institution	\$ 9,466,021	\$ 8,452,967	\$ 9,324,565	\$ 9,324,565	\$ 871,598	PG 4 LN 13
<b>Clarinda</b>						
Clarinda Institution	\$ 25,526,358	\$ 21,078,946	\$ 23,645,033	\$ 23,645,033	\$ 2,566,087	PG 4 LN 17
<b>Mitchellville</b>						
Mitchellville Institution	\$ 16,126,292	\$ 14,253,115	\$ 15,486,586	\$ 15,486,586	\$ 1,233,471	PG 4 LN 26
<b>Fort Dodge</b>						
Ft. Dodge Institution	\$ 30,313,681	\$ 26,999,132	\$ 29,020,235	\$ 29,020,235	\$ 2,021,103	PG 4 LN 30
<b>Total Corrections, Dept. of</b>	<b>\$ 365,152,025</b>	<b>\$ 320,839,469</b>	<b>\$ 345,839,469</b>	<b>\$ 344,010,569</b>	<b>\$ 23,171,100</b>	

# Justice System

## General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<b><u>Inspections &amp; Appeals, Dept. of</u></b>						
<b>Public Defender</b>						
Public Defender	\$ 21,465,998	\$ 19,568,864	\$ 21,743,182	\$ 21,743,182	\$ 2,174,318	PG 13 LN 1
Indigent Defense Appropriation	33,013,300	21,608,247	19,433,929	15,680,929	-5,927,318	PG 13 LN 6
<b>Total Inspections &amp; Appeals, Dept. of</b>	<b>\$ 54,479,298</b>	<b>\$ 41,177,111</b>	<b>\$ 41,177,111</b>	<b>\$ 37,424,111</b>	<b>\$ -3,753,000</b>	
<b><u>Law Enforcement Academy</u></b>						
<b>Law Enforcement Academy</b>						
Law Enforcement Academy	\$ 1,275,199	\$ 1,049,430	\$ 1,049,430	\$ 1,049,430	\$ 0	PG 13 LN 10
<b>Total Law Enforcement Academy</b>	<b>\$ 1,275,199</b>	<b>\$ 1,049,430</b>	<b>\$ 1,049,430</b>	<b>\$ 1,049,430</b>	<b>\$ 0</b>	
<b><u>Parole, Board of</u></b>						
<b>Parole Board</b>						
Parole Board	\$ 1,251,903	\$ 1,045,259	\$ 1,045,259	\$ 1,045,259	\$ 0	PG 14 LN 9
<b>Total Parole, Board of</b>	<b>\$ 1,251,903</b>	<b>\$ 1,045,259</b>	<b>\$ 1,045,259</b>	<b>\$ 1,045,259</b>	<b>\$ 0</b>	
<b><u>Public Defense, Dept. of</u></b>						
<b>Public Defense, Dept. of</b>						
Public Defense, Department of	\$ 6,361,947	\$ 5,624,281	\$ 6,249,201	\$ 6,249,201	\$ 624,920	PG 14 LN 25
<b>Emergency Management Division</b>						
Homeland Security & Emer. Mgmt.	\$ 2,212,722	\$ 1,834,307	\$ 2,038,119	\$ 2,038,119	\$ 203,812	PG 15 LN 2
<b>Total Public Defense, Dept. of</b>	<b>\$ 8,574,669</b>	<b>\$ 7,458,588</b>	<b>\$ 8,287,320</b>	<b>\$ 8,287,320</b>	<b>\$ 828,732</b>	

# Justice System

## General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<b><u>Public Safety, Department of</u></b>						
<b>Public Safety, Dept. of</b>						
Public Safety - Department Wide Duties	\$ 0	\$ 1,419,288	\$ 0	\$ 0	\$ -1,419,288	
Public Safety Administration	4,470,414	3,952,071	4,134,461	4,134,461	182,390	PG 15 LN 25
Public Safety DCI	21,506,406	19,012,743	12,861,710	12,861,710	-6,151,033	PG 15 LN 30
DCI - Crime Lab Equipment/Training	342,000	302,345	302,345	302,345	0	PG 16 LN 35
Narcotics Enforcement	6,501,493	5,747,647	6,507,048	6,507,048	759,401	PG 17 LN 3
Public Safety Undercover Funds	123,343	109,042	109,042	109,042	0	PG 17 LN 13
DPS Fire Marshal	4,060,859	3,590,003	4,343,896	4,343,896	753,893	PG 17 LN 16
Iowa State Patrol	50,971,409	45,061,285	48,984,147	48,984,147	3,922,862	PG 17 LN 27
DPS/SPOC Sick Leave Payout	316,179	279,517	279,517	279,517	0	PG 18 LN 6
Fire Fighter Training	662,697	612,255	612,255	612,255	0	PG 18 LN 11
<b>Total Public Safety, Department of</b>	<b>\$ 88,954,800</b>	<b>\$ 80,086,196</b>	<b>\$ 78,134,421</b>	<b>\$ 78,134,421</b>	<b>\$ -1,951,775</b>	
<b>Total Justice System</b>	<b>\$ 532,710,567</b>	<b>\$ 465,588,015</b>	<b>\$ 489,464,972</b>	<b>\$ 484,054,572</b>	<b>\$ 18,466,557</b>	

# Summary Data

## Other Funds

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Justice System	\$ 0	\$ 3,138,888	\$ 3,336,344	\$ 3,336,344	\$ 197,456	
<b>Grand Total</b>	<b>\$ 0</b>	<b>\$ 3,138,888</b>	<b>\$ 3,336,344</b>	<b>\$ 3,336,344</b>	<b>\$ 197,456</b>	

# Justice System

## Other Funds

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<b><u>Justice, Department of</u></b>						
<b>Consumer Advocate</b>						
Consumer Advocate - Fd. 0019	\$ 0	\$ 3,138,888	\$ 3,336,344	\$ 3,336,344	\$ 197,456	PG 2 LN 22
<b>Total Justice, Department of</b>	\$ 0	\$ 3,138,888	\$ 3,336,344	\$ 3,336,344	\$ 197,456	
<b>Total Justice System</b>	\$ 0	\$ 3,138,888	\$ 3,336,344	\$ 3,336,344	\$ 197,456	

# Summary Data

FTE

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Justice System	6,022.26	6,328.35	5,925.68	5,941.68	-386.67	
<b>Grand Total</b>	<b>6,022.26</b>	<b>6,328.35</b>	<b>5,925.68</b>	<b>5,941.68</b>	<b>-386.67</b>	

# Justice System

## FTE

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<b><u>Justice, Department of</u></b>						
<b>Justice, Dept. of</b>						
General Office A.G.	214.97	232.50	232.50	232.50	0.00	PG 1 LN 7
Victim Compensation Fund	21.60	22.00	22.00	22.00	0.00	PG 1 LN 26
<b>Total Justice, Dept. of</b>	<b>236.57</b>	<b>254.50</b>	<b>254.50</b>	<b>254.50</b>	<b>0.00</b>	
<b>Consumer Advocate</b>						
Consumer Advocate - Fd. 0019	0.23	0.00	27.00	27.00	27.00	PG 2 LN 22
<b>Total Justice, Department of</b>	<b>236.80</b>	<b>254.50</b>	<b>281.50</b>	<b>281.50</b>	<b>27.00</b>	
<b><u>Civil Rights Commission</u></b>						
<b>Civil Rights Commission</b>						
Civil Rights Commission	31.81	29.50	29.50	29.50	0.00	PG 18 LN 31
<b>Total Civil Rights Commission</b>	<b>31.81</b>	<b>29.50</b>	<b>29.50</b>	<b>29.50</b>	<b>0.00</b>	
<b><u>Corrections, Dept. of</u></b>						
<b>CBC District 1</b>						
CBC District I	187.75	201.50	189.51	189.51	-11.99	PG 9 LN 14
<b>CBC District 2</b>						
CBC District II	159.94	157.94	156.89	156.89	-1.05	PG 9 LN 21
<b>CBC District 3</b>						
CBC District III	77.89	81.99	78.99	78.99	-3.00	PG 9 LN 24
<b>CBC District 4</b>						
CBC District IV	69.00	75.00	68.60	68.60	-6.40	PG 9 LN 27
<b>CBC District 5</b>						
CBC District V	272.45	288.12	266.45	266.45	-21.67	PG 9 LN 30
<b>CBC District 6</b>						
CBC District VI	203.13	216.06	191.63	191.63	-24.43	PG 10 LN 7
<b>CBC District 7</b>						
CBC District VII	105.45	105.45	95.45	95.45	-10.00	PG 10 LN 10
<b>CBC District 8</b>						
CBC District VIII	93.80	97.15	93.00	93.00	-4.15	PG 10 LN 13

# Justice System

## FTE

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<b>Central Office</b>						
Corrections Administration	45.36	47.18	41.00	41.00	-6.18	PG 5 LN 16
<b>Fort Madison</b>						
Ft. Madison Institution	516.83	556.50	489.00	489.00	-67.50	PG 3 LN 8
<b>Anamosa</b>						
Anamosa Institution	348.73	356.25	334.75	350.75	-5.50	PG 3 LN 16
<b>Oakdale</b>						
Oakdale Institution	559.75	610.50	565.00	565.00	-45.50	PG 4 LN 1
<b>Newton</b>						
Newton Institution	321.19	351.00	307.00	307.00	-44.00	PG 4 LN 5
<b>Mt Pleasant</b>						
Mt. Pleasant Inst.	301.79	319.56	298.16	298.16	-21.40	PG 4 LN 9
<b>Rockwell City</b>						
Rockwell City Institution	106.99	113.00	106.00	106.00	-7.00	PG 4 LN 13
<b>Clarinda</b>						
Clarinda Institution	282.46	303.20	277.10	277.10	-26.10	PG 4 LN 17
<b>Mitchellville</b>						
Mitchellville Institution	186.29	198.00	185.00	185.00	-13.00	PG 4 LN 26
<b>Fort Dodge</b>						
Ft. Dodge Institution	334.54	366.00	319.00	319.00	-47.00	PG 4 LN 30
<b>Total Corrections, Dept. of</b>	<u>4,173.33</u>	<u>4,444.40</u>	<u>4,062.53</u>	<u>4,078.53</u>	<u>-365.87</u>	
<b><u>Inspections &amp; Appeals, Dept. of</u></b>						
<b>Public Defender</b>						
Public Defender	200.97	203.00	203.00	203.00	0.00	PG 13 LN 1
<b>Total Inspections &amp; Appeals, Dept. of</b>	<u>200.97</u>	<u>203.00</u>	<u>203.00</u>	<u>203.00</u>	<u>0.00</u>	
<b><u>Law Enforcement Academy</u></b>						
<b>Law Enforcement Academy</b>						
Law Enforcement Academy	26.94	29.55	30.55	30.55	1.00	PG 13 LN 10
<b>Total Law Enforcement Academy</b>	<u>26.94</u>	<u>29.55</u>	<u>30.55</u>	<u>30.55</u>	<u>1.00</u>	

# Justice System

## FTE

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<b><u>Parole, Board of</u></b>						
<b>Parole Board</b>						
Parole Board	11.97	18.50	13.50	13.50	-5.00	PG 14 LN 9
<b>Total Parole, Board of</b>	11.97	18.50	13.50	13.50	-5.00	
<b><u>Public Defense, Dept. of</u></b>						
<b>Public Defense, Dept. of</b>						
Public Defense, Department of	301.38	313.30	324.00	324.00	10.70	PG 14 LN 25
<b>Emergency Management Division</b>						
Homeland Security & Emer. Mgmt.	57.74	33.10	33.00	33.00	-0.10	PG 15 LN 2
<b>Total Public Defense, Dept. of</b>	359.12	346.40	357.00	357.00	10.60	
<b><u>Public Safety, Department of</u></b>						
<b>Public Safety, Dept. of</b>						
Public Safety Administration	39.17	39.00	36.00	36.00	-3.00	PG 15 LN 25
Public Safety DCI	275.45	287.50	277.10	277.10	-10.40	PG 15 LN 30
Narcotics Enforcement	75.26	81.00	75.00	75.00	-6.00	PG 17 LN 3
DPS Fire Marshal	56.10	59.00	57.00	57.00	-2.00	PG 17 LN 16
Iowa State Patrol	535.35	536.00	503.00	503.00	-33.00	PG 17 LN 27
<b>Total Public Safety, Department of</b>	981.32	1,002.50	948.10	948.10	-54.40	
<b>Total Justice System</b>	6,022.26	6,328.35	5,925.68	5,941.68	-386.67	